

House Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

**CHAPTER 210**

# **HOUSE BILL 2496**

AN ACT

AMENDING SECTIONS 48-261 AND 48-1202, ARIZONA REVISED STATUTES; RELATING TO  
COMMUNITY PARK MAINTENANCE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-261, Arizona Revised Statutes, is amended to  
3 read:

4 48-261. District creation; procedures; notice; hearing;  
5 determinations; petitions

6 A. A fire district, community park maintenance district, sanitary  
7 district or hospital district for either a hospital or an urgent care center  
8 shall be created by the following procedures:

9 1. Any person desiring to propose creation of a district shall prepare  
10 and submit a district impact statement to the board of supervisors of the  
11 county in which the district is to be located. EXCEPT FOR A PROPOSED  
12 COMMUNITY PARK MAINTENANCE DISTRICT THAT IS TO BE LOCATED IN MORE THAN ONE  
13 COUNTY, if a proposed district is located in more than one county, the impact  
14 statement shall be submitted to the board of supervisors of the county in  
15 which the majority of the assessed valuation of the proposed district is  
16 located. The boards of supervisors of any other counties in which a portion  
17 of the district is to be located shall provide information and assistance to  
18 the responsible board of supervisors. FOR A COMMUNITY PARK MAINTENANCE  
19 DISTRICT THAT IS TO BE LOCATED IN MORE THAN ONE COUNTY, THE IMPACT STATEMENT  
20 SHALL BE SUBMITTED TO THE BOARD OF SUPERVISORS FOR EACH OF THE AFFECTED  
21 COUNTIES. If the person desiring to create a district pursuant to this  
22 section is unable to complete the district impact statement, the board of  
23 supervisors may assist in the completion of the impact statement if requested  
24 to do so, provided the bond required in subsection C of this section is in an  
25 amount sufficient to cover any additional cost to the county. The district  
26 impact statement shall contain at least the following information:

27 (a) A legal description of the boundaries of the proposed district and  
28 a detailed, accurate map of the area to be included in the district.

29 (b) An estimate of the assessed valuation within the proposed  
30 district.

31 (c) An estimate of the change in the property tax liability, as a  
32 result of the proposed district, of a typical resident of the proposed  
33 district.

34 (d) A list and explanation of benefits that will result from the  
35 proposed district.

36 (e) A list and explanation of the injuries that will result from the  
37 proposed district.

38 (f) The names, addresses and occupations of the proposed members of  
39 the district's organizing board of directors.

40 2. On receipt of the district impact statement, the board of  
41 supervisors shall set a day, not fewer than thirty nor more than sixty days  
42 from that date, for a hearing on the impact statement. The board of  
43 supervisors may, at any time prior to making a determination pursuant to  
44 paragraph 4 of this subsection, MAY require that the impact statement be

1 amended to include any information that the board of supervisors deems to be  
2 relevant and necessary.

3 3. Upon receipt of the district impact statement, the clerk of the  
4 board of supervisors shall mail, by first class mail, written notice of the  
5 statement, its purpose and notice of the day, hour and place of the hearing  
6 on the proposed district to each owner of taxable property and each qualified  
7 elector within the boundaries of the proposed district. The clerk of the  
8 board of supervisors shall post the notice in at least three conspicuous  
9 public places in the area of the proposed district and shall publish twice in  
10 a daily newspaper of general circulation in the area of the proposed  
11 district, at least ten days before the hearing, or, if no daily newspaper of  
12 general circulation exists in the area of the proposed district, then at  
13 least twice at any time before the date of the hearing, a notice setting  
14 forth the purpose of the impact statement, the description of the area of the  
15 proposed district and the day, hour and place of the hearing.

16 4. At the hearing called pursuant to paragraph 2 of this subsection,  
17 the board of supervisors shall hear those who appear for and against the  
18 proposed district and shall determine whether the creation of the district  
19 will promote public health, comfort, convenience, necessity or welfare. If  
20 the board of supervisors determines that the public health, comfort,  
21 convenience, necessity or welfare will be promoted, it shall approve the  
22 district impact statement and authorize the persons proposing the district to  
23 circulate petitions as provided in this subsection. FOR A COMMUNITY PARK  
24 MAINTENANCE DISTRICT THAT IS REQUIRED TO OBTAIN THE APPROVAL OF MORE THAN ONE  
25 COUNTY'S BOARD OF SUPERVISORS, THE PETITIONS MAY ONLY BE CIRCULATED AFTER  
26 APPROVAL OF THE BOARD OF SUPERVISORS FROM EACH AFFECTED COUNTY. The order of  
27 the board of supervisors shall be final, but if the request to circulate  
28 petitions is denied, a subsequent request for a similar district may be  
29 refiled with the board of supervisors after six months from the date of such  
30 denial.

31 5. Within fifteen days after receiving the approval of the board of  
32 supervisors as prescribed by paragraph 4 of this subsection, the clerk of the  
33 board shall determine the minimum number of signatures required for  
34 compliance with paragraph 7, subdivision (d) of this subsection. After  
35 making that determination, that number of signatures shall remain fixed,  
36 notwithstanding any subsequent changes in voter registration records.

37 6. After receiving the approval of the board of supervisors as  
38 provided in paragraph 4 of this subsection, the person proposing the district  
39 may circulate and present petitions to the board of supervisors of the county  
40 in which the district is located. All petitions circulated shall be returned  
41 to the board of supervisors within one year from the date of the approval of  
42 the board of supervisors pursuant to paragraph 4 of this subsection. Any  
43 petition that is returned more than one year from that date is void.

1           7. The petitions presented pursuant to paragraph 6 of this subsection  
2 shall comply with the provisions regarding petition form in section 48-265  
3 and verification in section 48-266 and shall:

4           (a) At all times, contain a legal description of the boundaries of the  
5 proposed district and a detailed, accurate map of the proposed district and  
6 the names, addresses and occupations of the proposed members of the  
7 district's organizing board of directors. No alteration of the proposed  
8 district shall be made after receiving the approval of the board of  
9 supervisors as provided in paragraph 4 of this subsection.

10          (b) If a petition of property owners, be signed by more than one-half  
11 of the property owners in the area of the proposed district.

12          (c) If a petition of property owners, be signed by persons owning  
13 collectively more than one-half of the assessed valuation of the property in  
14 the area of the proposed district.

15          (d) If a petition of qualified electors, be signed by more than  
16 one-half of the qualified electors within the boundaries of the proposed  
17 district.

18          8. On receipt of the petitions, the board of supervisors shall set a  
19 day, not fewer than ten nor more than thirty days from that date, for a  
20 hearing on the petition.

21          9. Prior to the hearing called pursuant to paragraph 8 of this  
22 subsection, the board of supervisors shall determine the validity of the  
23 petitions presented.

24          10. At the hearing called pursuant to paragraph 8 of this subsection,  
25 the board of supervisors, if the petitions are valid, shall order the  
26 creation of the district. The board of supervisors shall enter its order  
27 setting forth its determination in the minutes of the meeting, not later than  
28 ten days from the day of the hearing, and a copy of the order shall be filed  
29 in the county recorder's office. The order of the board of supervisors shall  
30 be final, and the proposed district shall be created thirty days after the  
31 board of supervisors votes to create the district, EXCEPT THAT FOR A  
32 COMMUNITY PARK MAINTENANCE DISTRICT THAT IS PROPOSED FOR MORE THAN ONE  
33 COUNTY, THE PROPOSED DISTRICT IS CREATED THIRTY DAYS AFTER THE APPROVAL OF  
34 THE BOARD OF SUPERVISORS OF THE FINAL COUNTY OF THE COUNTIES IN WHICH THE  
35 DISTRICT IS TO BE LOCATED. A decision of the board of supervisors under this  
36 subsection is subject to judicial review under title 12, chapter 7,  
37 article 6.

38          B. For the purpose of determining the validity of the petitions  
39 presented pursuant to subsection A, paragraph 6 of this section:

40           1. Qualified electors shall be those persons qualified to vote  
41 pursuant to title 16.

42           2. For the purposes of fulfilling the requirements of subsection A,  
43 paragraph 7, subdivisions (b) and (c) of this section, property held in  
44 multiple ownership shall be treated as if it had only one property owner, so

1 that the signature of only one of the owners of property held in multiple  
2 ownership is required on the formation petition.

3 3. The value of property shall be determined as follows:

4 (a) In the case of property assessed by the county assessor, values  
5 shall be the same as those shown on the last assessment roll of the county  
6 containing such property.

7 (b) In the case of property valued by the department of revenue, the  
8 values shall be those determined by the department in the manner provided by  
9 law, for municipal assessment purposes. The county assessor and the  
10 department of revenue, respectively, shall furnish to the board of  
11 supervisors, within twenty days after such a request, a statement in writing  
12 showing the owner, the address of each owner and the appraisal or assessment  
13 value of properties contained within the boundaries of the proposed district  
14 as described in subsection A of this section.

15 C. The board of supervisors may require of the person desiring to  
16 propose creation of a district pursuant to subsection A, paragraph 1 of this  
17 section a reasonable bond to be filed with the board at the start of  
18 proceedings under this section. The bond shall be in an amount sufficient to  
19 cover costs incurred by the county if the district is not finally organized.  
20 County costs covered by the bond include any expense incurred from completion  
21 of the district impact statement, mailing of the notice of hearing to  
22 district property owners and electors, publication of the notice of hearing  
23 and other expenses reasonably incurred as a result of any requirements of  
24 this section. The requirements of this subsection do not apply to proposed  
25 districts having fewer than one hundred qualified electors.

26 D. If a district is created pursuant to this section, the cost of  
27 publication of the notice of hearing, the mailing of notices to electors and  
28 property owners and all other costs incurred by the county as a result of the  
29 provisions of this section shall be a charge against the district.

30 E. If a proposed district would include property located within an  
31 incorporated city or town, in addition to the other requirements of  
32 subsection A of this section, the board shall approve the creation and  
33 authorize the circulation of petitions only if the governing body of the city  
34 or town has by ordinance or resolution endorsed such creation.

35 F. Except as provided in section 48-2001, subsection A, the area of a  
36 district created pursuant to this section shall be contiguous.

37 G. A district organized pursuant to this section shall have an  
38 organizing board of directors to administer the affairs of the district until  
39 a duly constituted board of directors is elected as provided in this  
40 title. The organizing board shall have all the powers, duties and  
41 responsibilities of an elected board. The organizing board shall consist of  
42 the three individuals named in the district impact statement and the  
43 petitions presented pursuant to subsection A of this section. If a vacancy  
44 occurs on the organizing board, the remaining board members shall fill the  
45 vacancy by appointing an interim member. Members of the organizing board

1 shall serve without compensation but may be reimbursed for actual expenses  
2 incurred in performing their duties. The organizing board shall elect from  
3 its members a chairman and a clerk.

4 H. For the purposes of this section:

5 1. Assessed valuation does not include the assessed valuation of  
6 property that is owned by a county.

7 2. Property owner does not include a county.

8 Sec. 2. Section 48-1202, Arizona Revised Statutes, is amended to read:

9 48-1202. Establishment of community park maintenance district;  
10 territory; purpose; approval

11 In addition to the requirements for the establishment of a community  
12 park maintenance district as set forth in section 48-261, a district shall:

13 1. Include contiguous territories located in ~~more than one county~~ ONE  
14 OR MORE COUNTIES.

15 2. Be formed only for the purpose of maintaining existing community  
16 parks ~~which~~ THAT are certified by the board for inclusion in the district.  
17 The board of directors ~~may~~, subject to available tax revenues, MAY certify  
18 any existing community park within the district's boundaries ~~which~~ THAT will  
19 facilitate and encourage the use and enjoyment of recreational land within  
20 the district.

21 3. BE APPROVED BY A VOTE OF THE BOARD OF SUPERVISORS FOR EACH OF THE  
22 COUNTIES IN WHICH THE COMMUNITY PARK MAINTENANCE DISTRICT IS TO BE LOCATED,  
23 IF PROPOSED FOR TERRITORY THAT IS LOCATED IN MORE THAN ONE COUNTY.

**APPROVED BY THE GOVERNOR APRIL 25, 2006.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2006.**